

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

In the matter of:)	Complaint No. R4-2004-0134
)	Mandatory Minimum Penalty
)	for
City of Los Angeles)	Violation of California Water Code § 13376
Department of Water and Power)	and
Los Angeles, California 90012)	Order No. 98-007 (NPDES No. CA0064149)

This Complaint to assess the mandatory minimum penalty pursuant to California Water Code (CWC) § 13385, subdivision (h) is issued to the City of Los Angeles, Department of Water and Power (hereinafter Permittee) based on findings of violations of waste discharge requirements prescribed in Order No. 98-007 (NPDES No. CA0064149, CI No. 7839).

The Executive Officer (Executive Officer) of the Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds the following:

1. The Permittee operates a municipal water supply system for the City of Los Angeles. The water is transported via the Los Angeles Aqueduct, Tunnel No 105 (hereinafter site) which flows through the Newhall Oil Field. The Newhall Oil Field is known for naturally occurring oil in the soil. The oil and water in the adjacent soil seeps onto the exterior of the aqueduct section of Tunnel 105, is collected in the collection system and is transported to an oil/water separator located in Magazine Canyon, Los Angeles. The Permittee can discharge up to 5,900 gallons per day of treated wastewater at the site (Latitude 34°19'52", Longitude 118°29'56"). The wastewater is susceptible of containing oil and grease (O&G) and other pollutants which can degrade water quality and impact beneficial uses of water, and which are defined as wastes under the Porter-Cologne Water Quality Control Act (CWC § 13000 et seq.). The wastewater flows via Outfall 001 to Weldon Canyon Creek, a navigable water of the United States.
2. From January 26, 1998 to July 10, 2003, the Permittee discharged wastewater from the facility under waste discharge requirements (WDRs) contained in Order No. 98-007 adopted by the Regional Board on January 26, 1998.
3. On July 10, 2003, the Regional Board adopted Order No. R4-2003-0094, which rescinded Order No. 98-007 except for enforcement purposes and imposed new WDRs on the discharge of treated wastes from the site.
4. Order No. 98-007 (Part I, page 3) includes the following effluent limitations for O&G:

September 10, 2004

Constituent	Unit of Measure	Discharge Limitations (daily maximum)	Discharge Limitations (30-day average)
O&G	mg/L	15	10

mg/L = milligrams/liter

Any discharge containing pollutants violating the effluent limitations set in the waste discharge requirements is prohibited by CWC § 13376.

5. Among the provisions in the Permittee's waste discharge requirements are the requirements to implement a discharge monitoring program and to prepare and submit quarterly NPDES self-monitoring reports to the Regional Board.
6. Three (3) violations of Order No. 98-007 were noted in the Permittee's self-monitoring reports during the 3rd Quarter 2000 and 3rd Quarter 2001. These violations include effluent limit exceedances for O&G. The violations are identified in Table 1 attached hereto and incorporated herein by reference.
7. CWC § 13385(h) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. Pursuant to CWC § 13385(h)(2) a "serious violation" is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to § 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to § 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.
8. A portion of the penalty not to exceed fifteen thousand dollars (\$15,000) plus fifty percent (50%) of the penalty amount that exceeds fifteen thousand dollars (\$15,000) may be directed to be expended on a Supplemental Environmental Project (SEP) pursuant to CWC § 13385(l).
9. The maximum amount of administrative civil liability assessable pursuant to CWC § 13385 for each day of violation is \$10,000 per day of violation plus \$10 times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

YOU ARE HEREBY GIVEN NOTICE THAT:

10. The Executive Officer proposes that the Permittee be assessed a mandatory minimum penalty in the amount of \$9,000 for the violations which occurred during the 3rd Quarter 2000 and 3rd Quarter 2001. Refer to Table 1 for the calculation of the amount of mandatory minimum penalty.
11. A hearing shall be conducted on this Complaint by the Regional Board or Regional Board Hearing Panel (Hearing Panel) within 90 days after service of this Complaint on the Permittee pursuant to CWC §§ 13228.14 and 13323. The Permittee will be notified of the date, time and location of the hearing. The Permittee may waive the right to a hearing. Should the Permittee choose to waive the right to a hearing, an authorized agent

must sign the waiver form attached to this Complaint and return the executed waiver to the Regional Board at 320 West 4th Street, Suite 200, Los Angeles, CA 90013, to be received by the Regional Board by the close of business on October 13, 2004. If the hearing is waived, the following options are available to satisfy the civil liability:

- a. A check in the amount of \$9,000 (payable to the State Water Resources Control Board Cleanup and Abatement Account) shall accompany the signed waiver; or
- b. The Permittee may propose to pay up to \$9,000 of the civil liability by contributing to a SEP on the Regional Board approved SEP List at www.swrcb.ca.gov/rwqcb4/html/programs/enforcement.html. To the greatest degree practicable, there must be a nexus demonstrated with the violations cited in this Complaint and the chosen SEP. A description of the SEP selected shall be submitted to the Regional Board for approval by the Executive Officer by the close of business on October 13, 2004.

In the event that the Permittee proposes to invest in a SEP the Permittee's written statement confirming that the Permittee contributed to a SEP on the SEP List will be submitted along with the executed waiver and received by the Regional Board by the close of business on October 13, 2004.

In the event that the Permittee proposes to invest in a SEP, the Permittee shall pay \$9,000 to the chosen SEP on the SEP List by the close of business on October 13, 2004, and notify the Regional Board of the date, amount and method of payment by the close of business on October 13, 2004.

12. Notwithstanding the issuance of this Complaint, the Regional Board shall retain the authority to assess additional penalties for violations of the requirements of the Permittee's waste discharge requirements.
13. This enforcement action is exempt from the provisions of the California Environmental Quality Act, California Public Resources Code § 21000 et seq., in accordance with California Code of Regulations, title 14, § 15321.
14. Regulations of the US Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act including NPDES permit violations. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.

September 10, 2004

Jonathan Bishop
Executive Officer
Los Angeles Regional Water Quality Control Board

WAIVER OF THE RIGHT TO A HEARING

By signing below and returning this Waiver, I hereby waive the right of the City of Los Angeles, Department of Water and Power to a hearing before the Regional Board to dispute the allegations and civil liability set forth in Administrative Civil Liability Complaint No. R4-2004-0134 (Complaint) issued by the Regional Board Executive Officer. The City of Los Angeles, Department of Water and Power understands that this Waiver gives up the rights to contest the allegations of the Complaint and the amount of civil liability it imposes.

The City of Los Angeles, Department of Water and Power elects to pay the civil liability in the following manner [check the relevant boxes]:

☐ Enclosed herewith in full payment of the civil liability is a \$9,000 check payable to "State Water Resources Control Board Cleanup and Abatement Account."

Or

☐ Proof of payment of at least \$9,000 to a Supplemental Environmental Project (SEP) listed on the Regional Board-approved SEP list.

The City of Los Angeles, Department of Water and Power understands that this Waiver gives up the rights to argue against the allegations made by the Executive Officer in this Complaint and against imposition of, and the amount of, civil liability imposed. The City of Los Angeles, Department of Water and Power also understands that if an Administrative Civil Liability Order is adopted by the Regional Board, payment in full will be due thirty days after the date of the adoption of the Order.

I hereby affirm that I am duly authorized to act on behalf of and to bind the City of Los Angeles, Department of Water and Power in the making and giving of this Waiver.

City of Los Angeles
Department of Water and Power

Date: _____

By: _____
(Signed name)

(Printed or typed name)

Position: _____